

SUMMARY OF NO. 15-24

The proposed law would permit the cultivation, distribution, possession, and use of marijuana by persons age 21 and older within Massachusetts and would remove existing criminal penalties for such activities. It would regulate sales of marijuana and marijuana products and taxation of proceeds.

Under the proposed law, voters of a city or town could vote to approve the licensing of cannabis cafés and clubs in that city or town. Such authorization could be repealed at a state election held at least four years later. If so approved, cities and towns could license cannabis cafés or private clubs to sell marijuana and marijuana products for consumption on the premises, but these establishments could not sell alcoholic beverages for consumption on the premises, could not allow consumption of alcoholic beverages on the premises, and could not allow consumption of marijuana on the premises by any person who the licensee has reason to believe has consumed alcoholic beverages before entering.

The proposed law would authorize marijuana farms licensed by the state Department of Agriculture, locally licensed marijuana farmers' markets, and marijuana products producers licensed by the state Department of Public Health. Retailers could sell marijuana and marijuana products at registered locations. A licensed medical marijuana treatment center could

also sell marijuana at retail.

The proposed law would allow cities and towns to limit public use of marijuana to the same extent that they limit open containers of alcoholic beverages in public. Cities and towns could not treat marijuana providers differently than other farms, markets, food processors, or sellers of tobacco or alcoholic beverages. Licenses for cannabis cafés and clubs would be limited to the number of licenses issued by the city or town for on-premises consumption of alcoholic beverages.

Marijuana retail sales would be subject to the existing state sales tax, with 12.5% of tax revenues credited to the Agricultural Reserve and Security Fund and 12.5% credited to the Commonwealth Substance Abuse Prevention and Treatment Fund. Vendors of marijuana for on-premises consumption would pay annually to the city or town .75% of their gross revenues. Private clubs that dispense marijuana would pay annually to the city or town \$25 per club member.

The proposed law would make it a crime to deliver marijuana to a person under 21 who is not the child, grandchild, ward, or spouse of the defendant. The measure would also impose criminal penalties for knowingly allowing underage persons to consume marijuana on premises owned or controlled by the defendant, for intentionally causing the ingestion of marijuana without a person's consent, for leaving marijuana unattended in a public

place, and for failing to secure plants and marijuana from an under-age person who is foreseeably present on the premises. In addition, among other things, the measure would prohibit marijuana retailers from allowing underage persons into rooms in which marijuana and marijuana products are sold or displayed for sale, and from providing vending machines or self-service displays and would require retailers to sell marijuana in sealed containers with specified labelling. The proposed law would also restrict outdoor and point-of-sale advertising of marijuana. Violations of these provisions would be punishable by civil penalties. The proposed law would prohibit the employment of persons under 21 in cultivating or selling marijuana or marijuana products.

The proposed law would provide that lawful conduct regarding marijuana could not be the primary basis for supporting allegations of abuse or neglect in child welfare proceedings and would not constitute misconduct for the purpose of awarding child custody or visitation rights. It would prohibit employers from treating employees' off-duty consumption of marijuana differently from off-duty consumption of alcoholic beverages, unless the employer establishes that federal monetary benefits would be jeopardized as a result.

The measure would direct the state Commissioner of Banks to issue regulations governing banking services to entities engaged

in marijuana commerce. The proposed law would apply retroactively where constitutionally permissible, including to unpaid civil citations for possession of one ounce of marijuana or less and to pending criminal charges alleging possession or cultivation of marijuana or distribution thereof where no profit motive was involved.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.